

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SECTION 11.1 OF THE UNIFIED LAND DEVELOPMENT CODE TO EXEMPT SINGLE-FAMILY LOTS FROM THE CONCURRENCY REQUIREMENTS OF THE COMPREHENSIVE PLAN; AMENDING SECTION 11.6 OF THE UNIFIED LAND DEVELOPMENT CODE TO COORDINATE THE EXPIRATION OF THE CONCURRENCY EXEMPTIONS FOR DEVELOPMENT ORDERS WHICH ARE SUBJECT TO SECTION 5.8 OF THE UNIFIED LAND DEVELOPMENT CODE; EXTENDING ALL OTHER CONCURRENCY EXEMPTION CERTIFICATES FOR AN ADDITIONAL TWO YEARS; DELETING SECTION 7.9.(I)C SUBSECTION 4.(I) TO ALLOW MUNICIPALITIES ADDITIONAL TIME TO SUBMIT PREVIOUS APPROVALS; PROVIDING FOR INCLUSION IN CODE OF LAWS AND ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ordinance 89-35 "The Concurrency Exemption Ordinance of Palm Beach County," provided that Concurrency Exemption determinations expire two years following the date of rendition; and

WHEREAS, Ordinance 91-12 "The Concurrency Exemption Extension Ordinance of Palm Beach County, Florida" provided that extensions of concurrency exemptions be granted for a two year time period; and

WHEREAS, it is in the best interest of Palm Beach County that development which is progressing in good faith should be provided with a continuing exemption from concurrency; and

WHEREAS, it is in the best interest of Palm Beach County that certain single-family residential lots be exempt from the requirements of concurrency; and

WHEREAS, it would streamline the administrative process if the validity of a concurrency exemption coincided with the validity of the development order for those projects which are subject to the time limitations of Section 5.8 of the Unified Land Development Code; and

WHEREAS, economic conditions indicate that Concurrency Exemption Certificates held by all other projects should be given an additional two year exemption before they are required to show that the project is continuing in good faith; and

WHEREAS, several municipalities have notified Palm Beach County that they failed to include a minor number of Valid Previous Approvals on the list submitted to the County within the required

1 time frame of Section 7.9 of the Unified Land Development Code and
2 have requested the opportunity to amend their list; and

3 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
4 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the Unified Land
5 Development Code be amended as follows:**

6 **Section I.** Section 11.1 C.1. shall be amended to read as
7 follows:

8 1. A lot of record which (i) meets the density
9 requirements of the 1989 Comprehensive Plan, as
10 amended or (ii) qualifies for an administrative
11 order exempting it from the density requirement of
12 the Plan;

13 **Section II.** Section 11.6 E. Applicability shall be
14 reordered as Section 11.6 D. Applicability and amended to read as
15 follows:

16 **D. Applicability.**

17 1. This Section is limited to determining whether or
18 not a Project found exempt from the concurrency
19 provisions of the 1989 Comprehensive Plan pursuant
20 to Ordinance #89-35, the Concurrency Exemption
21 Ordinance, is continuing in good faith and is
22 eligible to remain exempt from the concurrency
23 requirements of the 1989 Comprehensive Plan.

24 a. If a Certificate of Exemption was granted
25 based on (1) a Development Order issued on or
26 after January 1, 1984 or (2) a Development
27 Order which is subject to the requirements of
28 Section 5.8 of this Code, the Exemption shall
29 remain valid so long as the applicable
30 Development Order remains valid in accordance
31 with Section 5.8 of this Code.

32 b. If a Certificate of Exemption is granted based
33 on (1) a Development Order issued prior to
34 January 1, 1984 which is not subject to the
35 requirements of Section 5.8 of this Code or
36 (2) a Development Order issued on or after
37 January 1, 1984 which was not subject to the
38 requirements of Section 5.8 of this Code, the
39 Exemption shall expire six (6) years from the
40 date the Certificate of Exemption was issued
41 unless the Project is found to be continuing
42 in good faith in accordance with Section
43 11.6F. below.

44 **Section III.** Section 11.6 D. Procedure shall be reordered as
45 Section 11.6 E. Procedure. and shall be amended to delete the
46 stricken language and insert the underlined words:

47 1. Submit to **Planning Zoning**. Applications for
48 Concurrency Exemption Extension shall be submitted
49 to the **Planning Zoning** Division of the Planning,
50 Zoning and Building Department of Palm Beach County
51 no sooner than five (5) months, prior to expiration
52 of a Concurrency Exemption Certificate—**or**
53 **Certificate of Extension**. Applications will not be

1 accepted after the expiration date of the
2 Concurrency Exemption or Concurrency Exemption
3 Extension Certificate.

4
5 Section IV. Subsection 11.6 F. 1.(c) shall be deleted in its
6 entirety.

7 Section V. Section 7.9.(I)C Subsection 4.(I) is deleted in
8 its entirety, as follows:

9 ~~The Municipality shall complete its review and~~
10 ~~determination of all properties within its jurisdiction~~
11 ~~as to Previous Approvals by July 1, 1991.~~

12
13 Section VI. Captions. The captions, section headings, and
14 section designation used in this ordinance are intended for the
15 convenience of users only and shall have no effect in the
16 interpretation of the provisions of this ordinance.

17 Section VII. Inclusion in the Code of Laws and Ordinances.
18 The provisions of this ordinance shall amend and be made a part of
19 the Code of Laws and Ordinances of Palm Beach County, Florida.

20 Section VIII. Repeal of Laws in Conflict. All local laws and
21 ordinances applying to the unincorporated areas of Palm Beach
22 County in conflict with any provisions of this ordinance are hereby
23 repealed.

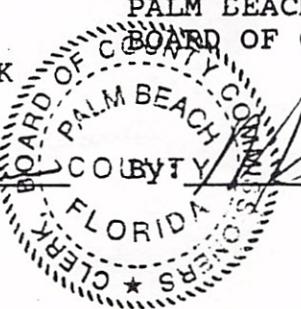
24 Section IX. Effective Date. The provisions of this ordinance
25 shall become effective upon receipt of acknowledgement by the
26 Secretary of State.

27 APPROVED and ADOPTED by the Board of County Commissioners of
28 Palm Beach County, Florida, on the 19 day of April,
29 1994.

30
31 ATTEST:

32 DOROTHY H. WILKEN, CLERK

33 By Linda C. Hickman
34 Deputy Clerk



Chair Ray McCandless

41 APPROVED AS TO FORM AND
42 LEGAL SUFFICIENCY

43 By: S. B. J.
44 County Attorney

45 STATE OF FLORIDA, COUNTY OF PALM BEACH,
46 I, DOROTHY H. WILKEN, ex-officio Clerk of the
47 Board of County Commissioners certify this to be
a true and correct copy of the original filed in my office
on 4/19/94.

DATED at West Palm Beach, FL on 5/3/94
DOROTHY H. WILKEN, Clerk

By: Joe Dinger

1 Acknowledgement by the Department of the State of Florida, on
2 this, the 28th day of April, 1994.

3
4 Acknowledgement from the Department of State received on the
5 2nd day of May, 1994, at 2:15 P.M.,
6 and filed in the Office of the Clerk of the Board of County
7 Commissioners of Palm Beach County, Florida.

8
9 G:\...\Gengovt\Ords\Conc-amd.Ord-(3/23/94)EBH:cmm

ENCLOSURE
3/23/94

3001-2-1000